

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1719.01
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: March 22, 2001
DATE OF REPORT: April 18, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: June 14, 2001

COMPLAINT ISSUES:

Whether the New Albany-Floyd County Consolidated School Corporation violated:

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically:

- a. failing to provide identified accommodations (extra time, notification of lengthy assignments, and availability of homework during suspension); and
- b. failing to implement the behavioral intervention plan as written.

511 IAC 7-27-7(b) and 511 IAC 7-17-72 with regard to the school's alleged failure to ensure the student's teacher of record:

- a. regularly monitored the implementation of the student's IEP; and
- b. ensured that supplementary aids and services, program modifications, and supports for school personnel are provided in accordance with the IEP.

511 IAC 7-27-4(a)(3) with regard to the school's alleged failure to convene a case conference committee meeting at the request of the parent.

FINDINGS OF FACT:

1. The student is sixteen years old, attends the tenth grade, and has been determined eligible for special education due to an emotional disability.
2. Adaptations specified in the student's IEP dated May 17, 2000, indicate the student will be allowed an additional 24 hours to turn in assignments on an as needed basis, and that advance notice will be given to the parents concerning lengthy assignments. The addenda to the May 17, 2000, IEP dated August 31 and October 13, 2000, reflect that, if suspended from school, the student will be permitted to make up any missed classroom and homework assignments. In addition, missed assignments will be available to the parent each afternoon following the day of suspension. The parent states these adaptations are not being implemented in the student's classrooms, but did not have any evidence available to support the allegations. All seven of the student's teachers submitted written statements which specify what accommodations were implemented in their classrooms. Not every accommodation was utilized in every classroom as some were not appropriate for the student in a particular class. For example, the physical science teacher reports his class does not require any type of lengthy project or assignment. Therefore, providing the parent with advance notice concerning lengthy assignments would not apply to this class. The teachers' statements indicate the student's teachers implemented those accommodations that

were appropriate for the student in their particular classroom. In addition to the individual statements provided by each teacher, the director provided one statement that was signed and dated by all of the student's teachers indicating that each accommodation specified in the parent's letter of complaint was implemented, when necessary, in the student's educational setting.

3. A Behavior Support Plan was developed for the student at a CCC meeting convened on November 27, 2000. The Plan contains seven strategies for addressing the student's disruptive behavior at school. The parent is of the opinion that the student's Behavior Support Plan is not being implemented because the student keeps getting in trouble at school. The parent did not have any documentation available to support her allegation. The director provided a copy of a memorandum from the student's teacher of record dated November 28, 2000, that indicates a copy of the Behavior Support Plan was provided to each of the student's teachers on this date. The memorandum discusses avoiding confrontations with the student, the targeting of inappropriate behaviors, and making comments of a positive nature on the student's progress reports. The director provided a written statement signed and dated by all of the student's teachers indicating they were aware of the student's Behavior Support Plan and that they have implemented it as written in the classroom settings.
4. The director provided a memorandum dated April 6, 2001, from the student's teacher of record reflecting those activities she has completed to ensure that the student's IEP was implemented as written. The memorandum indicates the teacher of record has completed the following tasks:
 - a. Provided each of the student's teachers with a copy of the following:
 1. a notification letter to the general education teachers that the student had been assigned to their classrooms;
 2. modifications specified for the student in the IEP;
 3. a brief profile of the student, including the student's strengths and weaknesses;
 4. a summary of preventative techniques to use with the student; and
 5. a list of general suggestions for working with students identified as having an emotional disability.Copies of these five documents were provided to the Division.
 - b. Provided a written summary of conferences held with the student's parents to each of the student's teachers. A copy of each summary was provided to the Division for the following dates: August 31, September 12, October 13, November 20, November 28, 2000; and January 25, February 26, March 16 and 20, 2001.
 - c. Progress reports were mailed to the student's parents on a regular basis. The Division was provided with copies of progress reports for the following dates: August 31, September 15, October 27, November 11, 2000; and January 16, February 15, April 2, 2001. In addition to these progress reports, the teacher of record reports that all parents at the school the student attends were provided with progress reports on September 22, and November 15, 2000, and February 7, 2001.
 - d. The May 17, 2000, IEP and the five addendums reflect that the teacher of record was in attendance at all CCC meetings convened for the student.
 - e. In a memorandum dated April 13, 2001, the teacher of record reports she met with each of the student's teachers informally on at least a biweekly basis. She reported meeting with some teachers more frequently if issues regarding the student's IEP or Behavior Support Plan needed clarification.
5. The director reports that following a one day suspension of the student from school on February 22, 2001, the parent asked the assistant principal to schedule a manifestation determination CCC meeting. The director reports that he informed the assistant principal that a manifestation determination CCC meeting was not necessary as the student had only been suspended from school for six instructional days. In addition, the parent mailed a letter dated March 5, 2001, to the

director requesting that a manifestation determination CCC meeting be scheduled. The director acknowledges receiving the March 5th letter. The director states that he explained to the parent that Article 7 only requires a manifestation determination CCC meeting if proposed disciplinary action would result in an expulsion, or if the student had been suspended from school for more than ten instructional days. The director reports that he informed the parent that although a manifestation determination CCC meeting was unnecessary, a CCC meeting could be scheduled to discuss her concerns. A CCC meeting was convened on March 19, 2001, to discuss the parent's concerns about the student's behavior at school. The parent reports that the director shared the above information with her; however, due to the student's suspensions and because she had received numerous calls from the school concerning the student's behavior, she wanted a manifestation determination CCC meeting scheduled to determine if a correlation existed between the student's behavior and his disability. The director acknowledges in his written response that a manifestation determination CCC meeting was never convened.

CONCLUSIONS:

1. Finding of Fact #2 indicates the school implemented the student's IEP and addendums, and provided the identified accommodations. Therefore, no violation of 511 IAC 7-27-7(a) is found.
2. Finding of Fact #3 reflects the school implemented the student's Behavior Support Plan as written. Therefore, no violation of 511 IAC 7-27-7(a) is found.
3. Finding of Fact #4 indicates the student's teacher of record regularly monitored the implementation of the student's IEP and ensured that supplementary aids and services, program modifications, and supports for school personnel were provided. Therefore, no violations of 511 IAC 7-27-7(b) and 511 IAC 7-17-72 are found.
4. Finding of Fact #5 reflects that the school failed to schedule a CCC meeting to conduct a manifestation determination at the request of the parent. Therefore, a violation of 511 IAC 7-27-4(a)(3) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

The New Albany-Floyd County Consolidated School Corporation shall:

1. Inservice all appropriate school personnel as to the requirements specified in 511 IAC 7-27-4(a)(3). The inservice training shall include that a manifestation determination CCC meeting may be convened prior to a student being suspended from school for more than 10 consecutive instructional days, or if the suspensions constitute a pattern because they cumulate to more than 10 instructional days in a school year. Submit documentation to the Division that the inservice training has been completed no later than May 18, 2001. The documentation should include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.
2. Convene a manifestation determination CCC meeting to address the student's February 22, 2001, suspension from school. Submit to the Division no later than May 18, 2001, a copy of the Case Conference Summary Report and any revised IEP and Behavior Support Plan.

DATE REPORT COMPLETED: April 18, 2001

